

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHNELL A. BELL I,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 4:14-cv-00027-CEJ
)	
GEORGE A. LOMBARDI, et al.)	
)	
Defendants.)	

PLAINTIFF'S TRIAL BRIEF

Plaintiff Johnell Bell is an offender currently in custody of the Missouri Department of Corrections and incarcerated at Southeast Correctional Center. Certain correctional officers assaulted Plaintiff on May 28, 2013. Plaintiff suffered various physical and emotional injuries as a result of that altercation. In addition, Plaintiff was forced to participate in a hearing regarding his alleged conduct violations arising out of that altercation. As a result of that hearing, Plaintiff was referred to disciplinary segregation for 90 days and to administrative segregation for one year.

Factual disputes exist as to the following claims:

A. Excessive Force

Plaintiff will testify that certain defendants used excessive force on May 28, 2013 when they responded to a Code 16 medical emergency call at Plaintiff's cell. A factual dispute exists as to whether Defendants used force because Plaintiff physically attacked

the guards or whether Defendants maliciously attacked Plaintiff for no valid reason. A factual dispute also exists as to whether the correctional officers continued to use excessive force after Plaintiff was fully restrained.

B. Failure to Intervene

Plaintiff will testify that certain Defendants observed the excessive force used on Plaintiff and failed to intervene. A factual dispute exists as to whether the Defendants at issue were present and observed the altercation. Plaintiff will testify that those Defendants were present, while the Defendants will testify that they were not present.

C. Failure to Protect

Plaintiff claims certain Defendants were aware that inmates at this facility are subjected to risk of serious harm at the hands of correctional officers and failed to act by properly investigating prior incidents of excessive force and failing to discipline officers for prior acts of excessive force. Plaintiff will likely have at least one other witness who was beaten by correctional staff at this facility while restrained in handcuffs prior to May 28, 2013.

D. Due Process

Plaintiff claims he was referred to disciplinary segregation for 90 days, to administrative segregation for one year, and to state prosecution as a result of an unconstitutional disciplinary process proceeding. Among other things, Plaintiff will testify that he was not given a copy of the conduct violations prior to his hearing and was

not allowed to call witnesses. Among other things, a factual dispute exists as to whether Plaintiff's written statements from witnesses were admitted into evidence or otherwise considered at Plaintiff's hearing.

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CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2016, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

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